

Remarks

Claims 1, 9, 11-20, 23, 24, and 29-34 are rejected. By this paper, Applicant cancels claims 1, 9, 11-20, 23, 24, 29, 31 and 34; amends claims 30, 32, and 33; and adds new claim 35. No new matter was added by this amendment.

This response is to an Office Action mailed on May 20, 2011, which was indicated as a final Office Action. Applicant called the Examiner on June 15, 2011, where it was determined that the Office Action was a non-final Office Action as issued after a Request for Continued Examination, and Applicant therefore responds accordingly.

Claim Objections

The claims were objected to under 37 C.F.R. § 1.126 as having two instances of claim 32. The second instance of claim 32 has been renumbered as claim 33. Applicant respectfully requests that the Examiner withdraw the objection.

Claim Rejections – 35 U.S.C. § 112

Claims 30-33 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 30 was rejected for lacking antecedent basis in the claims for “the floor stand,” “the end of first rotary movement,” and “the end of the second rotary movement”. “[T]he floor stand” has been corrected to “the stationary column”. “[T]he end of the first rotary movement” has been corrected to “an end of the first rotary movement”. “[T]he end of the second rotary movement” has been corrected to “an end of the second rotary movement”. Applicant believes that the amendments in claim 30 correct the antecedent basis in the claim and requests withdrawal of the rejection.

Claim 31 is canceled and the limitations of claim 31 are added to claim 30. Claim 31 was rejected for using “strong” as a relative word. The language containing “strong” has been removed.

Claim 31 was also rejected as having a limitation that appeared to be a method step. Applicant conducted an Examiner interview on July 14, 2011 to discuss the language of claim 31. The Examiner suggested language to overcome the rejection and reword the claim language such that the § 112 rejection is overcome. Claim 30 now requires “wherein the damper is configured to block the stop plate and the tooth of the tooth plate is configured to trap the ring, thereby suddenly stopping the first rotary movement of the primary arcuate member.” Applicant respectfully requests withdrawal of the rejection to amended claim 30 which contains the limitations of cancelled claim 31.

Claim 32 was rejected as having a limitation which appeared to be a method step. The Examiner suggested claim language to overcome the rejection in the interview on July 14, 2011. Claim 32 is amended to require “wherein a first mechanical abutment is configured to limit the first rotary movement to an amplitude of 180 degrees.” Applicant respectfully requests withdrawal of the rejection to claim 32.

Claim 33 was rejected as using the word “strong”. The language containing the word “strong” has been removed from the claim.

Additionally, claim 33 was rejected as having a limitation which appeared to be a method step. The Examiner suggested claim language in the interview of July 14, 2011 to overcome the rejections. Claim 33 is amended to require “wherein the damper is configured to block the plate and the hook is configured to trap the plate thereby suddenly stopping the second rotary movement of the secondary arcuate member”. Applicant respectfully requests withdrawal of the rejection to claim 33.

Claim Rejections – 35 U.S.C. § 102

**Rejection of Claims 1, 9, 11, 12, 18, and 30
Under 35 U.S.C. § 102(b) As Being Anticipated By Coles**

Claims 1, 9, 11, 12, 18, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Coles (US Patent No. 4,402,500).

Claims 1, 9, 11, 12, and 18 are canceled.

Amended claim 30 contains the limitations of claim 31, which was indicated as being allowable by the Examiner in the Office Action of May 20, 2011. Amended claim 30 requires that the “primary arcuate member having a tooth plate and a stop plate”, “the first mechanical abutment having a damper and a ring”, and “wherein the damper is configured to block the stop plate and the tooth of the tooth plate is configured to trap the ring, thereby suddenly stopping the first rotary movement of the primary arcuate member.” Coles does not teach that “the damper is configured to block the stop plate and the tooth of the tooth plate is configured to trap the ring, thereby suddenly stopping the first rotary movement of the primary arcuate member” as claim 30 requires. Therefore, amended claim 30 is not anticipated by Coles.

Claim Rejections – 35 U.S.C. § 103

**Rejection of Claim 13 Under 35 U.S.C. § 103(a)
As Being Unpatentable Over Coles In View of Lowe**

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles in view of Lowe (US Patent No. 3,774,963).

Claim 13 is canceled.

**Rejection of Claim 14 Under 35 U.S.C. § 103(a)
As Being Unpatentable Over Coles and Further In View of Ferrara**

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles as applied to claim 1 above, and further in view of Ferrara (US Patent No. 3,343,375).

Claim 14 is canceled.

**Rejection of Claims 15 and 16 Under 35 U.S.C. § 103(a) As Being
Unpatentable Over Coles In View of Chinomi and Alton and Further In View of Weimer**

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles in view of Chinomi and Alton as applied to claim 1 above, and further in view of Weimer (US Patent No. 6,264,278).

Claims 15 and 16 are canceled.

**Rejection of Claims 17 and 29 Under 35 U.S.C. § 103(a) As Being
Unpatentable Over Coles and Further In View of Chinomi and Alton**

Claims 17 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles as applied to claim 1 above, and further in view of Chinomi (US Patent No. 5,052,754) and Alton (US Patent No. 5,792,031).

Claims 17 and 29 are canceled.

**Rejection of Claims 19 and 20 Under 35 U.S.C. § 103(a)
As Being Unpatentable Over Coles and Further In View of Altare**

Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles as applied to claim 1 above, and further in view of Altare (US Patent No. 5,046,721).

Claims 19 and 20 are canceled.

**Rejection of Claims 23 and 24 Under
35 U.S.C. § 103(a) As Being Unpatentable Over Epley In View of Coles**

Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epley (US Patent No. 6,800,062) in view of Coles as applied to claim 1 above.

Claims 23 and 24 are canceled.

**Rejection of Claim 34 Under 35 U.S.C. § 103(a)
As Being Unpatentable Over Coles and Further In View of Ruggles**

Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles as applied to claim 30 above and further in view of Ruggles (US Patent No. 1,342,871).

Claim 34 is canceled.

Allowable Subject Matter

In the Office Action of May 20, 2011, the Examiner indicated that claims 31-33 would likely be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include the limitations of the base claim and any intervening claims.

Applicant conducted an interview with the Examiner on July 14, 2011. The content of claims 31-33 was discussed in terms of amending the claim language to overcome the rejection under 35 U.S.C. § 112, second paragraph. The Examiner suggested the claim language which the Applicant has incorporated into the claims. Applicant believes the remaining claims to be in condition for allowance.

Amended claim 30 contains the limitations of claim 31 and is believed to be in allowable form.

Claim 31 is canceled.

Claim 32 is amended to depend from claim 30 and is also amended to include wording suggested by the Examiner to overcome the § 112 rejection. Claim 32 is believed to be in allowable form.

Claim 33 is amended to include wording suggested by the Examiner and is believed to be in allowable form.

Applicant gratefully acknowledges the allowability of claims 31-33 as indicated by the Examiner. Applicant also appreciates the Examiner for granting the interview and assisting with placing the claims in allowable form, pending this response.

New Claims

Claim 35 is added to the application. Claim 35 contains the limitations of claim 30 and dependent claim 33. Claim 35 is believed to be in allowable form based on the allowability of claim 33 incorporating the limitations of the base claim and any intervening claims.

Conclusion

Applicant believes the application is in condition for allowance for which allowance is hereby respectfully requested.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
Thomas Richard Vitton

By: /Tiffany A. Fidler/
Tiffany A. Fidler
Reg. No. 65,366
Attorney/Agent for Applicant

Date: 07/19/2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351